REMARKS

By this Office Action, the Examiner has required restriction to one of the following inventions:

I. Claims 20-26, drawn to ONE isolated nucleic acid, a vector thereof, and cultured cell, classified in class 536, subclass 23.1; class 435, subclasses 69.1, 320.1, 325.

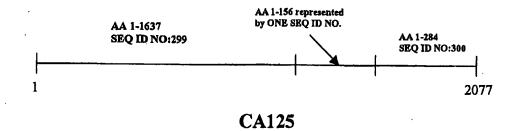
(Upon electrion of Group I above, Applicant must further elect ONE nucleic acid from those listed in Calim 20, part a, and ONE corresponding encloded polypeptide from those listed in Claim 21, part a, as each sequence represents a separate invention, not a species. Additionally, Claim 26 will only be examined to the extent it reads on the elected sequence(s).)

II. Claims 14-19, 27, 30-33 drawn to ONE purified polypeptide, classified in class 530, subclass 350; class 424, subclass 184.1.

(Upon election of Group II above, Applicant must further elect ONE polypeptide sequence from those listed in Claim 27, part a, as each sequence represents a separate invention, not a species. Claims 14-19 will only be examined to the extent they read on the elected sequence.)

III. Claims 1-12, drawn to ONE CA125 molecule comprising an extracellular domain of SEQ ID NO.: 299, ONE repeat domain, and ONE cytoplasmic domain comprising SEQ ID NO.: 300, classified in class 530, subclass 350.

(Upon election of Group III, Applicant must further elect ONE multiple repeat domain corresponding to ONE linear sequence identifier comprising smino acids 1-156 of domains 1-5. For example, upon election, of Group III, a search and examination of a 2077 AA polypeptide will take place as set forth below:



- IV. Claim 13, drawn to a CA125 molecule comprising SEQ ID NO.: 162, classified in class 530, subclass 350.
- V. Claims 28-29 drawn to a purified antibody that binds to ONE polypeptide, classified in class 530, subclass 387.1.

(Upon election of Group V above, Applicant must further elect ONE polypeptide sequence from those listed in Claim 28, part a, as each sequence represents a separate invention, not a species.)

VI. Claim 34, drawn to ONE antisense molecule, classified in class 800, subclass 286.

(Upon election of Group VI above, Applicant must further elect ONE nucleic acid from those listed in Claim 20, part a, as each sequence represents a separate invention, not a species.)

Responsive to the Requirement for restriction, Applicant elects to prosecute the invention of group III, with traverse Claims 1-12 drawn to one polypeptide. The applicant elects the repeat domain as shown in SEQ ID NO. 150 for examination.

Applicants respectfully request reconsideration of the Requirement for Restriction, or in the alternative, modification of the Restriction Requirement to allow prosecution of more than one group of Claims designated by the Examiner in the present Application, for the reasons provided as follows.

Under 35 U.S.C § 121 "two or more independent and distinct inventions . . . in one Application may . . . be restricted to one of the inventions." Inventions are "independent" if "there is no disclosed relationship between the two or more subjects disclosed" (MPEP 802.01).

The term "distinct" means that "two or more subjects as disclosed are related . . . but are capable of separate manufacture, use or sale as claimed, AND ARE PATENTABLE OVER EACH OTHER" (MPEP 802.01) (emphasis in original). However, even with patentably distinct inventions, restriction is not required unless one of the following reasons appear (MPEP 808.02):

- 1. Separate classification
- 2. Separate status in the art; or
- 3. Different field of search.

Further, under patent Office Examining Procedures, "[i]f the Search and Examination of an entire Application can be made without serious burden, the Examiner <u>must</u> examine it on the merits, even though it includes claims to distinct or independent inventions" (MPEP 803, Rev. 8, May 1988) (emphasis added).

The Examiner's assertions to the contrary notwithstanding, Applicants respectfully submit that conjoint examination and inclusion of all of the Clams of the present Application would not present an undue burden on the Examiner, and accordingly, withdrawal of the Requirement for Restriction.

With respect to the requirement to elect a single species for examination on the merits, Applicants respectfully traverse this requirement for the following reasons:

I. <u>Claim 1(b) providing the multiple repeat domains does not include a genus species relationship</u>

Claim 1(b) relates to a <u>multiple</u> repeat domain. A CA125 molecule can include a variety, if not <u>all</u> of the repeats in a single molecule. SEQ ID NO: 162 which show the recombinant molecule has been marked up as Appendix Tab A, to show the <u>multiple</u> repeats present in a single molecule. Claims to be restricted to different species must be mutually exclusive. The general test as to when claims are restricted respectively to different species is the fact that one claim recites limitations which under the disclosure are found in a first species, but not in a second, while a second claim recites limitations disclosed only from the second species and not the first. MPEP § 12.0[3[c]. As can be seen from an inspection of the recombinant molecule shown in SEQ ID NO: 162, CA125 molecule within the scope of claim 1(b) may have multiple

repeat domains which are not mutually exclusive. Consequently, Applicants respectfully request examination on the multiple repeat domains as claimed. This requirement to elect a single combination of repeats violates the basic right of the Applicants to claim his invention as he chooses. <u>In re Weber</u>, 580 F.2d 455 (USCC 1978).

II. Restriction is not appropriate if the claims are directed to substantially the same molecule

Species are patentably distinct when they are related, but they are capable of separate manufacture and are patentable (novel and nonobvious) over each other. The multiple repeat domains contain multiple repeats wherein each repeat unit has five genomic exons. The variation in repeats set out in Claim 1 (b) are 82% identical and thus present related chemical compounds. The repeat domain is a sequence of 156 amino acids which are repeated multiple times within a discrete portion of the CA125 protein. The repeat domain has its own function and combines with the other domains to provide the overall function of the protein. The designated exons in the repeat domain can vary, but, this variance is minimal. Importantly, when the nucleic acids are expressed they form a CA125 protein. Restriction is not appropriate if claims are directed to the same protein.

In view of the above, withdrawal of the Requirement for the Restriction is requested, and an early action on the merits of the Claims is courteously solicited.

Respectfully Submitted,

BUTLER, SNOW, O'MARA, STEVENS & CANNADA

Date: 9-9-05

By:

Susan B. Fentress

Registration No. 31,327

6075 Poplar Avenue, Suite 500

Memphis, TN 38187

Telephone: 901-680-7319

SEP 1 9 2005 W

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J-Morton JIM MONTGÓMERY

MEMPHIS 171783v1

multiple report domain

A TVPFM	VPFTL NFTITNLOYE EDMRHI	PGSRK		
1210	7-1	SS LEYLYSGCR	L ASLAPEKOS	S AMAVDAICTH
1215	222 1 RPDPEDLGLD RERLYWELS	EN LTNGIQELG	P YTLDRNSLY	v noethrssmp
1220	1 TTSTPGTSTV DVGTSGTPS	SS SPSPTA	grande de la companya	servate and pidles,
1225				
1230		li savigave a teury	Digital Legistaga	
1235	La la Respublica de Salvada	T SERVESSISS	P TIM AGPLL	/ PFTLNFTITN
1240	LOYGEDMGHP GSRKFNTTE	R VLQGI L GPI	フッ) F KNTSVGPLYS	GCRLTSLRSE
1245	L KDGAATGVDA ICIHHLDPK	S PGLNRERLY	W ELSQLTNGIE	C ELGPYTLDRN
12501	SLYVNGFTHR TSVPTSSTE	C TSTVDLGTS	TPFSLPSPA	AGREVETL
1255	NETO DOD KOYE ADDVINGE GR	i (Cije Virtine Virto)	PALLGPMERNE	VOLUYSGERIY
12601	TUER DEPONDATE	unekenen) BEOLYWELSO	L'ENGEKELEPA)
12651	SYTHORNSLAY NE FTHWEEV	egneral senera	ADDICSO PSS	PERMAGPLL
12701	. VPFTLNFTIT NLQYEEDMH	H PGŠRKFNTTI	E RVLQGIJLGPM	707 I FKNTSVGLLY
12751	sgcrltllr ekdgaatgv	2.36 D AICTHRLDPI	SPGVDREQLY	WELSOLTNGI
12801	KELGPYTLDR NSLYVNGFT	2.43 H OTSAPNTSTE	Z &3 GTSTVDLGTS	GTPSSLPSPT
12851	SACROLVERT INFILTINGO	XA EE OMRHEESI	KENTTERVIC	GILKPIEKST
12901	Chorage act trapseko	e AprileVolavicii	lie tibekselev	PREOLYWERS
12951	ogrunder øgelig. Pyvit jornist	A VACTOR OF	entre il premisir	VDaGDSGDES
13001	PAPERSAGE LLVPFTLNF	r itnlgyeedm	HHPGSRKFNT	TERVLQGILG
13051	PMFKNTSVGL LYSGCRLTLI	L PPEKNGAATG		PKSPGLNREQ
13101	LYWELSQLTH GIKELGPYTI	DRNSLYVNG	750 THRSSVAPTS	TEGISTVDLG
13151	TSGTPSSLPS PTTA		a, complying G	SIP CONTROL V
13201		Marine Car <mark>si</mark> n	TENENT CANDAGE	THUNFOSP
13251	ANTROPOST OF THE PROPERTY	i de eyêledirikê	POWNE SIRE	
13301	A VOICE BECT PERVES OF THE	GPLLVPFTLN	FTITNLQYEE	DMHRPGSRKF
13351	NATERVLOGI LSPIFKNSSV	GPLYSGCRLT	SLRPEKDGAA	TGMDAVCLYH
13401	PNPKRPGLDR EQLYWELSOL	THNITELGPY	SLDRDSLYVN	GETHONSVET
13451	TSTPGTSTVY WATTGTPSSE	PGHTEPGPLL	IPFTFNFTIT	NLHYEENMQH

PGSRKFNTTE RVLQGILKPL FKNTSVGPLY SGCRLTSLEP EKDGAATGMD AVCLYHPNPK RPGLDREQLY CELSQLTHNI TELGPYSLDR DSLYVNOFTH 13551 QNSVPTTSTP GTSTVYWATT GTPSSFPGHT EPGPLLIPFT FNFTITNLHY 13601 EENMOHPGSR KFNTTERVLQ GILKPLFKNT SVGPLYSGCR LTLLRPEKHE AATGVDTICT HRVDPIGPGL DRERLYWELS QLTNSITELG PYTLDRDSLY 13701 271 787 VNGFNPRSSV PTTSTPGTST VHLATSGTPS SLPGHTAPVPVLLIDETLNET 13751 ITNLHYEENM QHPGSKKFRY TERVLOGIJCK PLFKNTSVGP LYSGCRLTLL 13801 REEKHEAATG VDTICTHRVD PIGPGLDREX LYWELSXLTX XIXELGPYXL DRXSLYVNG XXXXXXXXX TEGTSXVXLX TSGTPXXXPX XTSAGPLLVP FTLNFTITUL QYEEDMHHPG SRKFNTTERV LQGILGPMFK NTSVGLLYSG 13951 CRLTLLEGER MGHATGMUAT CEARCLUSKEF GLUKEGLYWE LEGUTHOLKE LGPYTLDRNS LYVNCFTHRS SVAPTSTPGT STVDLGTSGT PSSLPSPTTA VPLLVPFTLN FTITNLQYGE DMRHPGSRKF NTTERVLQGL LGPLFKNSSV 14101 738 GPLYSGCRLI SLESEKDGAA TGVDAICTHH LNPQSPGLDR EQLYWQLSQM 14151 TNGIKELGPY TLDRNSLYVN GETHRSSGLT TSTPWTSTVD LGTSGTPSPV PSPTTAGPLL VPFTLNFTIT NLQYEEDMHR PGSRKFNATE RVLQGILSPI 207
FKNSSVGPLY SGCRLTSLRP EKDGAATGMD AVCLYHPNPK RPGLDREQLY 14301 WELSOLTHNI TELGPYSLDR DSLYVNGFTH QSSMTTTRIP DTSTMHLATS 284
RTPASLSGPT TASPLLVLFT INCTITNLQY EEDMRRTGSR KFNTMESVLQ 14401 GILKPLFKNT SVGPLYSGCR LTLLRPKKDG AATGVDAICT HRLDPKSPGL 14451 NREQLYMELS KLTNDIEELG PYTLDRNSLY VNGFTHQSSV STTSTPGTST 14501 VDLRTSGTPS SLSSPTIMEN XPLLXPFTLN FTITNLXYEE XMXXPGSRKF NTTERVLOGI LRPLFKNTSV SSLYSGCRLT LLRPEKDGAA TRVDAACTYR PDPKSPGLDR EQLYWELSQL THSTTELGPY THIRVESTON THE NEWSON 14651 TSTPGTSTVH LATSGTPSSL PGHTXXXPLL XPFTLNFTIT NLXYEEXMXX 14701 PGSRKFNTTE RVLQGLLKPL FRNSSLEYLY SGCRLASLRP EKDSSAMAVD 14751 AICTHRPDPE DLGLDRERLY WELSNLTNGI QELGPYTLDR NSLYVNGFTH 255 RSSFLTTSTP WTSTVDLGTS GTPSPVPSPT TAGPLLVPFT LNFTITNLQY

RPEKRGAATG VDTICTHRLD PLNPGLDREX LYWELSXLTX XIXELGPYXL 17751 DRXSLYVNOF XXXXXXXXXX TPGTSXVXLX TSGTPXXXPX XTXXXPLLXP 17801 FTLNFTITHL XYEEXMXXPG SRKFNTTERV LQGULXPXFK XTSVGXLYSG 17851 CRLTLLEXEK XXAATXVDXX CXXXXDPXXP GLDREXLYWE LSXLTXXIXE 17901 LGPYXLDRXS LYVNCFHPRS SVPTTSTPGT STVHLATSGT PSSLPGHTAP 17951 VPLLIPFTLN FTITNLHYEE NMQHPGSRKF NTTERVLQGL LGPMFKNTSV 18001 2.5.2 GLLYSGCRLT LLEPEKNGAA TGMDAICSHR LDPKSPGLDR EXLYWELSXL 18051 18101 TXXIXELGPY XLDRXSLYVN GEXXXXXXXX TSTPGTSXVX LXTSGTPXXX 18151 PXXTXXXPLL XPFTLNFTIT NLXYEEXMXX PGSRKFNTTE RVLQGTLXPX FKXTSVGXLY SGCRLTLLRK EKXXAATXVD XXCXXXXDPX XPGLDREXLY 18201 WELSXLTXXI XELGPYXLDR XSLYVNOFTH QNSVPTTSTP GTSTVYWATT 18251 GTPSSFPGHT EPGPLLIPFT FNFTITNLHY EENMQHPGSR KFNTTERVLQ 18301 GILTPLEKNT SVGPLYSGCR LTLLRPEKQE AATGVDTICT HRVDPIGPGL 18351 DREXLYWELS XLTXXIXELG PYXLDRXSLY VNGFXXXXXX XXTSTPGTSX 18401 VXLXTSGTPX XXPXXTXXXP LLXPFTLNFT ITNLXYEEXM XXPGSRKFNT 18451 TERVLOGILX PXFKXTSVGX LYSGCRLTLL PXEKXXAATX VDXXCXXXXD 18501 PXXPGLDREX LYWELSXLTX XIXELGPYXL DRXSLYVNGF THRSSVPTTS 18551 SPGTSTVHLA TSGTPSSLPG HTAPVPLLIP FTLNFTITNL HYEENMOHPG 18601 SRKFNTTERV LOGILKPLFK STSVGPLYSG CRLTLLRPEK HGAATGVDAI 18651 18701 CTLRLDPTGP GLDREXLYWE LSXLTXXIXE LGPYXLDRXS LYVNGFXXXX XXXXTSTPGT SXVXLXTSGT PXXXPXXTXX XPLLXPFTLN FTITNLXYEE 18751 XMXXPGSRKF NTTERVLQGL LXPXFKXTSV GXLYSGCRLT LLRKEKXXAA 18801 18851 TXVDXXCXXX XDPXXPGLDR EXLYWELSXL TXXIXELGPY XLDRXSLYVN CETHRISVPT TSTPGTSTVH LATSGTPSSL PGHTAPVPLL IPFTLNFTIT 18901 NLQYEEDMHR PGSRKFNTTE RVLQGILSPI FKNSSVGPLY SGCRLTSLRP 18951 EKDGAATGMD AVCLYHPNPK RPGLDREQLY CELSQLTHNI TELGPYSLDR 19001 DSLYVNGFTH QNSVPTTSTP GTSTVYWATT GTPSSFPGHT XXXPLLXPFT 19051 19101 LNFTITNLXY EEXMXXPGSR KFNTTERVLQ GILXPXFKXT SVGXLYSGCR LTLLEXEKXX AATXVDXXCX XXXDPXXPGL DREXLYWELS XLTXXIXELG

19201 PYXLDRXSLY VNGFTHWSSG LTTSTPWTST VDLGTSGTPS PVPSPTTAGP 19251 LLVPFTLNFT ITNLQYEEDM HRPGSRKFNA TERVLQGILS PIFKNTSVGP 208 19301 LYSGCRLTLL REKQEAATG VOTICTHRVD PIGPGLDREX LYWELSXLTX 19351 XIXELGPYXL DRXSLYVNOF XXXXXXXXTS TPGTSXVXLX TSGTPXXXPX XIXXXPLLXP FILNFTITUL XYEEXMXXPG SRKFNTTERV LQGILXPXFK XTSVGXLYSG CRLTLLRKEK XXAATXVDXX CXXXXDPXXP GLDREXLYWE LSXLTXXIXE LGPYXLDRXS LYVNOFTHRS FGLTTSTPWT STVDLGTSGT PSPVPSPTTA GPLLVPFTLN FTITNLQYEE DMHRPGSRKF NTTERVLQGL LTPLFENTSV SSLYSGCELT LLEPEKDGAA TRVDAVCTHE PDPKSPGLDE 19651 EXLYWELSXL TXXIXELGPY XLDRXSLYVN GFXXXXXXXX TSTPGTSXVX LXTSGTPXXX PXXTXXXPLL XPFTLNFTIT NLXYEEXMXX PGSRKFNTTE RVLOGILXPX FKXTSVGXLY SGCRLTLLRX EKXXAATXVD XXCXXXXDPX XPGLDREXLY WELSXLTXXI XELGPYXLDR XSLYVNCFTH WIPVPTSSTP 19801 GTSTVDLGSG TPSSLPSPTF AGPLLVPFTL NFTITNLQYG EDMGHPGSRK 19851 FNTTERVLOG ILGPIFKNTS VGPLYSGCRL TSLRSEKDGA ATGVDAICH 19951 HLDPKSPGLD REXLYWELSX LTXXIXELGP YXLDRXSLYV NGFXXXXXXX XTSTPGTSXV XLXTSGTPXX XPXXXXXPL LXPFTLNFTI TNLXYEEXMX 20001 XPGSRKFNTT ERVLOGILXP XFKXTSVGXL YSGCRLTLLR XEKXXAATXV DXXCXXXXDP XXPGLDREXL YWELSXLTXX IXELGPYXLD RXSLYVNGFT 2.83 HQTFAPNTST | PGTSTVDLGT SGTPSSLPSP TSAGPLLVPF TLNFTITNLQ 20151 YEEDMHAPGS RKFNTTERVL QGILGPMFKN TSVGLLYSGC RLTLLEPEKN 20201 GAATRVDAVC THRPDPKSPG LDREXLYWEL SXLTXXIXEL GPYXLDRXSL YVNGFXXXX XXXTSTEGTS XVXLXTSGTP XXXPXXTAPV PLLIPFTLNF 20301 TITULHYEEN MOHPGSRKFN TTERVLOGIL RPLFKSTSVG PLYSGCRLTL 20351 LEPEKHGAAT GVDAICTLEL DPTGPGLDEE RLYWELSOLT NSVTELGPYT LDRDSLYVNG FTQRSSVPTT SIPGTSAVHL ETSGTPASLP GHTAPGPLLV PFTLNFTITN LOYEVDMRHP GSRKFNTTER VLQGILKPLF KSTSVGPLYS GCRLTLLEPE KRGAATGVDT ICTHRLDPLN PGLDREQLYW ELSKLTRGII

20601 ELGPYLLDRG SLYVNGFTHR NFVPITSTPG TSTVHLGTSE TPSSLPRPIV PGPLLVPFTL NFTITNLQYE EAMRHPGSRK FNTTERVLQG ILRPLFKNTS 247
IGPLYSSCRL TLLEPEKDKA ATRVDAICTH HPDPQSPGLN REQLYWELSQ 20751 LTHGITELGP YTLDRDSLYV DOFTHWSPIP TTSTPGTSIV NLGTSGIPPS LPETTKXXPL LXPFTLNFTI TNLXYEEXMX XPGSRKFNTT ERVLQGILKP LFKSTSVGPL YSGCRLTLLR PEKDGVATRV DAICTHRPDP KIPGLDRQQL YWELSQLTHS ITELGPYTLD RDSLYVNGFT QRSSVPTTST PGTFTVQPET 294 SETPSSLPGP TATGPVLLPF TLNFTITNLO YEEDMHRPGS RKFNTTERVL OGILMPLEKN TSVSSLYSGC RLTLLRPEKD GAATRVDAVC THRPDPKSPG LDRERLYWKL SQLTHGITEL GPYTLDRHSL YVNGFTHQSS MTTTRTPDTS 789
TMHLATSRTP ASLSGPTAS PLLVLFTINF TITNLRYEEN MHHPGSRKFN TTERVLOGIL RPVFKNTSVG PLYSGCRLTL LEPKKDGAAT KVDAICTYRP DPKSPGLDRE QLYWELSQLT HSITELGPYT QDRDSLYNVG FTQRSSVPTT 5 VPGTPTVDL GTSGTPVSKP GPSAASPLLV LFTLNGTITN LRYEENMOHP GSRKFNTTER VLQGILRSLF KSTSVGPLYS GCRLTLLRPE KDGTATGVDA ICTHHPDPKS PRLDREQLYW ELSQLTHNIT ELGHYALDND SLFVNG THR 290 SSVSTTSTPG TPTVYLGASK TPASIFGPSA ASHLLILFTL NFTITNLRYE ENMWPGSRKF NTTERVLOGL LRPLFKNTSV GPLYSGSRLT LLRPEKDGEA 726
TGVDAICTHR PDPTGPGLDR EQLYLELSQL THSITELGPY TLDRDSLYVN GETHRSSVPT TSIGVVSEEP FTLNFTINNL RYMADMGQPG SLKFNITDNV MKHILSPLFO RSSLGARYTG CRVIALRSVK NGAETRVDLL CTYLOPLSGP GLPIKOVFHE LSQOTHGITR LGPYSLDKDS LYLNGVNEPG LDEPPTTPKP 21651 297 ATTFLPPLSE ATTAMGYHLK TLTLNFTISN LQYSPDMGKG SATFNSTEGV LOHLIRPLEQ KSSMGPFYLG CQLISLRPEK DGAATGVDTT CTYHPDPVGP GLDIQQLYWE LSQLTHGVTQ LGFYVLDRDS LFINGYAPQN LSIRGEYDIN 798 FHIVNWNLSN PDPTSSEY

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